

UNITED STATES DISTRICT COURT W. D. OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

Case No. MJ09-5280

v.

DETENTION ORDER

JOSE TABARIS-DIAZ,

Defendant.

THE COURT, having conducted a detention hearing pursuant to 18 U.S.C. §3142, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the safety of any other person and the community.

This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of the person including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would impose to any person or the community.

*Findings of Fact/ Statement of Reasons for Detention*

Presumptive Reasons/Unrebutted:

- ☐ Conviction of a Federal offense involving a crime of violence. 18 U.S.C. §3142(f)(A)
- ☐ Potential maximum sentence of life imprisonment or death. 18 U.S.C. §3142(f)(B)

Safety Reasons:

- ☐ Defendant is currently on probation/supervision resulting from a prior offense.
- ☐ Defendant was on bond on other charges at time of alleged occurrences herein.
- ☐ Defendant's prior criminal history.

Flight Risk/Appearance Reasons:

- ☐ Defendant's lack of sufficient ties to the community.
- ☐ Bureau of Immigration and Customs Enforcement detainer.
- ☐ Detainer(s)/Warrant(s) from other jurisdictions.
- ☐ Failures to appear for past court proceedings.
- ☐ Past conviction for escape.

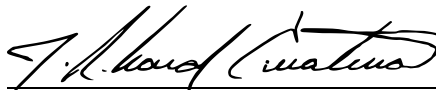
Other:

- ☒ Defendant stipulated to detention without prejudice and for reasons contained in the Government's Motion for Detention.

*Order of Detention*

- ▶ The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
- ▶ The defendant shall be afforded reasonable opportunity for private consultation with counsel.
- ▶ The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered to a United States marshal for the purpose of an appearance in connection with a court proceeding. This Order is entered without prejudice to review.

November 20, 2009.



J. Richard Creatura, United States Magistrate Judge